

**Title 15. Board of Parole Hearings (formerly Board of Prison Terms)**

**STATEMENT OF EMERGENCY  
RN 06-02**

**SUBJECT: IMPLEMENTATION OF PENAL CODE SECTION 3000.1**

NOTICE IS HEREBY GIVEN that the Board of Parole Hearings (Board) proposes to adopt, on an emergency basis, Title 15, Division 2, California Code of Regulations (CCR) § 2275 concerning implementation of hearings required under Penal Code section 3000.1.

**AUTHORITY**

This regulation is submitted pursuant to the Board's authority under Government Code § 12838.4 and Penal Code §§ 3052 and 5076.2.

**REFERENCE**

This regulation is adopted to implement, interpret, and make specific § 3000.1 of the Penal Code.

**FINDING OF EMERGENCY**

The Board finds that its September 19, 2006 emergency order adopting 15 CCR §§ 2275 is necessary for the immediate preservation of the public peace, health and safety, or general welfare.

Neither the penal code nor the Board's existing regulations are sufficient to establish uniform rules for the conduct of the hearings required under Penal Code (PC) 3000.1(d). Timely uniform rules will afford these persons due process of law while protecting the public by reducing the likelihood of court-ordered releases of dangerous persons into the community as remedies for late or disparate hearings. Thus, the proposed regulation explains the nature and reasons for these special hearings, defines the panel necessary to conduct these hearings, as well as clarifying the release criteria and decisional options available to the hearing panel.

The Board has determined that no reasonable alternatives identified or considered would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed regulatory action. Given that the Board must hold some of these Penal Code § 3000.1 hearings in October and November 2006, adoption of the regulation is necessary to provide appropriate rules that take effect as soon as possible, on an emergency basis, until made permanent under appropriate procedures.

## **BACKGROUND**

The Legislature adopted Penal Code § 3000.1(d) which established special hearings to determine release of persons whose parole was revoked after serving a life term for first or second degree murder. Staff reviews determined that existing rules and procedures do not adequately provide for these special hearings and thus propose adoption of regulation § 2275 to implement and interpret the Board's authority under PC § 3000.1(d).

## **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Government Code § 12838.4 vests the Board of Parole Hearings with all the powers, duties, responsibilities, obligations, liabilities, and jurisdiction of the Board of Prison Terms, Narcotic Addict Evaluation Authority, and Youthful Offender Parole Board, which no longer exist.

Penal Code § 3052 vests with the Board the authority to establish and enforce rules and regulations under which prisoners committed to state prisons may be allowed to go upon parole outside of prison when eligible for parole.

Penal Code § 5076.2 authorizes the Board to promulgate, maintain, publish, and make available to the general public a compendium of its rules and regulations.

The intent of the adoption of § 2275 is to implement, interpret and make specific the hearings required under Penal Code § 3000.1(d).

## **LOCAL MANDATES**

The Board has determined that the proposed action imposes no mandate upon local agencies or school districts.

## **FISCAL IMPACT STATEMENT**

- Cost to any local agency or school district which must be reimbursed in accordance with Government Code §§ 17500 through 17630: *None*
- Cost or savings to any state agency: *Not Significant*
- Other non-discretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*